

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

January 27, 2016

1:31 p.m.

MEMBERS PRESENT

Senator Bert Stedman, Chair
Senator Cathy Giessel, Vice Chair
Senator Pete Kelly
Senator Bill Stoltze
Senator Johnny Ellis

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 98

"An Act relating to diagnosis, treatment, and prescription of drugs without a physical examination."

- HEARD & HELD

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 8(JUD) AM

"An Act relating to powers of attorney and other substitute decision-making documents; relating to the uniform probate code; relating to notaries public; and providing for an effective date."

- MOVED SCS CSHB 8(HSS) OUT OF COMMITTEE

HOUSE BILL NO. 76

"An Act relating to the Governor's Council on Disabilities and Special Education."

- MOVED HB 76 OUT OF COMMITTEE

SENATE BILL NO. 145

"An Act relating to the recovery of overpayments of day care assistance and child care grants; and providing for an effective date."

- HEARD AND HELD

SENATE BILL NO. 147

"An Act relating to eligibility requirements of the Alaska senior benefits payment program; and providing for an effective date."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 98

SHORT TITLE: PRESCRIPTION WITHOUT PHYS. EXAM.

SPONSOR(s): SENATOR(s) MICCICHE

04/07/15	(S)	READ THE FIRST TIME - REFERRALS
04/07/15	(S)	HSS, L&C
04/13/15	(S)	HSS AT 1:30 PM BUTROVICH 205
04/13/15	(S)	Heard & Held
04/13/15	(S)	MINUTE(HSS)
01/25/16	(S)	HSS AT 1:30 PM BUTROVICH 205
01/25/16	(S)	Scheduled but Not Heard
01/27/16	(S)	HSS AT 1:30 PM BUTROVICH 205

BILL: HB 8

SHORT TITLE: POWERS OF ATTORNEY

SPONSOR(s): HUGHES

01/21/15	(H)	PREFILE RELEASED 1/9/15
01/21/15	(H)	READ THE FIRST TIME - REFERRALS
01/21/15	(H)	JUD
02/13/15	(H)	JUD AT 1:00 PM CAPITOL 120
02/13/15	(H)	Heard & Held
02/13/15	(H)	MINUTE(JUD)
02/23/15	(H)	JUD AT 1:00 PM CAPITOL 120
02/23/15	(H)	Moved CSHB 8(JUD) Out of Committee
02/23/15	(H)	MINUTE(JUD)
02/25/15	(H)	JUD RPT CS(JUD) 2DP 4NR
02/25/15	(H)	DP: LYNN, KELLER
02/25/15	(H)	NR: MILLETT, CLAMAN, GRUENBERG, FOSTER
03/09/15	(H)	TRANSMITTED TO (S)
03/09/15	(H)	VERSION: CSHB 8(JUD) AM
03/11/15	(S)	READ THE FIRST TIME - REFERRALS
03/11/15	(S)	HSS, JUD
04/10/15	(S)	HSS AT 1:30 PM BUTROVICH 205
04/10/15	(S)	Heard & Held
04/10/15	(S)	MINUTE(HSS)
01/27/16	(S)	HSS AT 1:30 PM BUTROVICH 205

BILL: HB 76

SHORT TITLE: GOV COUNCIL ON DISABILITIES/SPECIAL ED

SPONSOR(s): MILLETT

01/23/15	(H)	READ THE FIRST TIME - REFERRALS
01/23/15	(H)	HSS
03/03/15	(H)	HSS AT 3:00 PM CAPITOL 106
03/03/15	(H)	Heard & Held
03/03/15	(H)	MINUTE(HSS)
03/05/15	(H)	HSS AT 3:00 PM CAPITOL 106
03/05/15	(H)	Moved HB 76 Out of Committee
03/05/15	(H)	MINUTE(HSS)
03/06/15	(H)	HSS RPT 5DP
03/06/15	(H)	DP: TARR, VAZQUEZ, TALERICO, WOOL, SEATON
04/10/15	(H)	TRANSMITTED TO (S)
04/10/15	(H)	VERSION: HB 76
04/11/15	(S)	READ THE FIRST TIME - REFERRALS
04/11/15	(S)	HSS, EDC
01/25/16	(S)	HSS AT 1:30 PM BUTROVICH 205
01/25/16	(S)	Heard & Held
01/25/16	(S)	MINUTE(HSS)
01/27/16	(S)	HSS AT 1:30 PM BUTROVICH 205

BILL: SB 145

SHORT TITLE: DAY CARE ASSISTANCE & CHILD CARE GRANTS

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/19/16	(S)	READ THE FIRST TIME - REFERRALS
01/19/16	(S)	HSS, FIN
01/27/16	(S)	HSS AT 1:30 PM BUTROVICH 205

BILL: SB 147

SHORT TITLE: SENIOR BENEFITS PROG. ELIGIBILITY

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/19/16	(S)	READ THE FIRST TIME - REFERRALS
01/19/16	(S)	HSS, FIN
01/27/16	(S)	HSS AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

SENATOR PETER MICCICHE
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 98.

KEN MCCARTY, Executive Director
Discovery Cove Counseling
Eagle River, Alaska

POSITION STATEMENT: Testified in support of SB 98.

REPRESENTATIVE SHELLEY HUGHES
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 8.

GINGER BLAISDELL, Staff
Representative Shelley Hughes
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented information regarding HB 8.

GRACE ABBOTT, Staff
Representative Charisse Millett
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented information on HB 76.

SEAN O'BRIEN, Director
Division of Public Assistance (DPA)
Department of Health and Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: Presented information on SB 145 and SB 147.

STACIE KRALY, Assistant Attorney General
Human Services Section
Department of Law
Juneau, Alaska

POSITION STATEMENT: Answered questions related to SB 145.

JANICE BRADEN, Program Manager
Child Care Program Office
Division of Public Assistance (DPA)
Department of Health and Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: Answered questions related to SB 145.

MONICA MITCHELL, Chief
Policy and Program Development
Division of Public Assistance
Juneau, Alaska

POSITION STATEMENT: Answered questions related to SB 147.

ACTION NARRATIVE

1:31:44 PM

CHAIR BERT STEDMAN called the Senate Health and Social Services Standing Committee meeting to order at 1:31 p.m. Present at the call to order were Senators Giessel, Kelly, Stoltze, and Chair Stedman. Senator Ellis arrived shortly thereafter.

SB 98-PRESCRIPTION WITHOUT PHYS. EXAM

1:32:47 PM

CHAIR STEDMAN announced that the first business would be SB 198. He noted the bill was previously heard on April 13, 2015. After a presentation by the bill's sponsor, an amendment by a committee member will be offered.

1:33:27 PM

SENATOR PETER MICCICHE, Alaska State Legislature, sponsor of SB 98, summarized that SB 98 is about improving the efficiency of medical services delivered in Alaska. It is primarily focused on Medicaid efficiency, but also allows for the expansion of telemedicine. Many companies include the option of telemedicine, but, currently, there are restrictions regarding it.

SENATOR GIESSEL moved to adopt Amendment 1:

A M E N D M E N T 1

Page 1, line 2, following "examination":

Insert "by a physician; relating to the delivery of services by a licensed professional counselor, marriage and family therapist, psychologist, psychologist assistant, and social worker by audio, video, or data communications"

Page 1, following line 3:

Insert new bill sections to read:

"* **Section 1.** AS 08.29.400 is amended by adding a new subsection to read:

(b) The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, or treatment of a person through audio, video, or data communications when physically separated from the person if

(1) the licensee or another licensed health care provider is available to provide follow-up care; and

(2) the licensee requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider.

* **Sec. 2.** AS 08.63.210 is amended by adding new subsections to read:

(c) The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, supervision, or treatment of a person through audio, video, or data communications when physically separated from the person if

(1) the licensee or another licensed health care provider is available to provide follow-up care;

(2) the licensee requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider; and

(3) the licensee meets the requirements established by the board in regulation.

(d) The board shall adopt regulations restricting evaluation, diagnosis, supervision, and treatment authorized under (c) of this section by establishing standards for training, confidentiality, supervision, practice, and related issues."

Page 1, line 4:

Delete "**Section 1**"

Insert "**Sec. 3**"

Renumber the following bill sections accordingly.

Page 2, following line 16:

Insert new bill sections to read:

"* **Sec. 5.** AS 08.86.204 is amended by adding a new subsection to read:

(c) The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, or treatment of a person through audio, video, or data communications when physically separated from the person if

(1) the licensee or another licensed health care provider is available to provide follow-up care; and

(2) the licensee requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider.

* **Sec. 6.** AS 08.95.050 is amended by adding a new subsection to read:

(b) The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, or treatment of a person through audio, video, or data communications when physically separated from the person if

(1) the licensee or another licensed health care provider is available to provide follow-up care; and

(2) the licensee requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider."

CHAIR STEDMAN objected for discussion.

1:34:23 PM

SENATOR GIESSEL explained that Amendment 1 adds four groups of behavioral health care providers to the option of telehealth, providing services in various ways. She said the amendment adds professional counselors, marital and family therapists, psychologists and psychologic associates, and social workers. The statute change would authorize the option for the related regulatory boards to allow telehealth services by these four provider groups. She stated that they are not mandated to do so. She stressed the need for expanded behavioral health services in the state, which can be effectively delivered by telehealth, especially in rural areas where there are limited providers.

CHAIR STEDMAN asked Senator Micciche for his opinion of Amendment 1.

1:36:43 PM

SENATOR MICCICHE stated that SB 98 is a good bill and Amendment 1 makes it a better bill. He noted that the absence of travel to

obtain medical treatment provides the greatest efficiency. He said the involvement of the boards and the addition of specific skill sets provided by the amendment make SB 98 a better bill. He concluded that he is very much in support of the amendment and appreciates Senator Giessel's efforts.

[1:37:14 PM](#)

KEN MCCARTY, Executive Director, Discovery Cove Counseling, testified in support of SB 98. He said his business would use telemedicine for psychotherapy. He said the amendment would be a big asset to his business.

CHAIR STEDMAN withdrew his objection and Amendment 1 was adopted.

CHAIR STEDMAN said the amendment will be rewritten in bill format and brought back to the committee. He held HB 98 in committee.

HB 8-POWERS OF ATTORNEY

[1:39:47 PM](#)

CHAIR STEDMAN announced the consideration of HB 8, which was previously heard by the committee on April 10, 2015. He noted that there was a new committee substitute (CS) before the committee.

[1:40:34 PM](#)

REPRESENTATIVE SHELLEY HUGHES, Alaska State Legislature, sponsor of HB 8, explained that HB 8 would help protect older Alaskans who might be susceptible to fraud and financial abuse. She stressed the importance of protecting vulnerable older Alaskans by clarifying what is being signed in a Power of Attorney. She said HB 8 updates the statutory form.

She related that there are over 600 allegations of financial exploitation in Alaska, many of which involve the elderly. HB 8 strengthens the statute by clarifying responsibilities of the person who is receiving the Power of Attorney, customizing it specifically for Alaska, as well as for parties who live across state lines. She opined that the updates will help vulnerable Alaskans to understand what they are signing.

CHAIR STEDMAN noted the arrival of Senator Ellis.

[1:42:29 PM](#)

SENATOR GIESSEL moved to adopt the SCS for CSHB 8, labeled 29-LS0055\N.A, as the working document before the committee.

1:42:35 PM

At ease.

1:42:46 PM

SENATOR GIESSEL amended her motion to say "version G", as the working document.

CHAIR STEDMAN objected for discussion purposes.

1:43:25 PM

GINGER BLAISDELL, Staff, Representative Shelley Hughes, Alaska State Legislature, presented information regarding HB 8.

CHAIR STEDMAN requested a brief explanation of the technical clean ups.

SENATOR STOLTZE also requested a brief presentation.

CHAIR STEDMAN noted that the bill has been thoroughly explained and said he wanted to hear of the changes in the new CS.

MS. BLAISDELL explained that version G improves the existing Power of Attorney by updating terminology regarding the "principal" who owns the finances and the "agent," the person who is acting on the principal's behalf. The definition for "signing" the document has been updated and now allows the individual who may not be able to write their name, to use another form of a signature, such as an audible signature or a signer on their behalf. It identifies the duties of an agent and states the responsibility of the agent to act in the best interests of the principal.

MS. BLAISDELL stated that version G also adds a new section dealing with judicial relief, which allows family members or professionals who are familiar with the principal to ask a court to review an agent's actions.

She noted, at the request of the committee, version G adds a signature verification line that a notary public would have to accept and recognize the information of a person who might be signing on behalf of the principal. It also adds a requirement that the principal must sign the form unless they are physically unable to.

[1:47:17 PM](#)

SENATOR STOLTZE asked how incapacitation relates to the bill.

REPRESENTATIVE HUGHES explained how the changes would protect an incapacitated person. Previously, the principal might not have known what they were signing due to the wording on the form. She noted wide-spread support for the bill from the Commission on Aging, AARP, Association of Mature Americans, and the Mat-Su Coalition on Aging.

[1:49:04 PM](#)

CHAIR STEDMAN requested a review from the Lt. Governor's Office in order to minimize the potential of someone taking abusive action over someone else's finances.

CHAIR STEDMAN removed his objection and version G was adopted.

REPRESENTATIVE HUGHES thanked the committed for their support.

[1:50:18 PM](#)

SENATOR GIESSEL moved to report SCS CSHB 8 (HSS), version G, from committee with individual recommendations and attached zero fiscal notes. There being no objection, the motion carried.

HB 76-GOV COUNCIL ON DISABILITIES/SPECIAL ED

[1:51:13 PM](#)

CHAIR STEDMAN announced the consideration of HB 76. He noted the bill was previously heard on January 25, 2016.

[1:51:34 PM](#)

GRACE ABBOTT, Staff, Representative Charisse Millett, Alaska State Legislature, presented information on HB 76. She related that the bill removes the word "gifted" from the Governor's Council on Disabilities and Special Education's enabling statute. The responsibility for gifted students now rests with school districts.

CHAIR STEDMAN noted the committee has heard the bill and public hearing has been held.

[1:52:43 PM](#)

SENATOR GIESSEL moved to report HB 76, version 29-LS0369\A, from committee with individual recommendations and attached zero fiscal note. There being no objection, the motion carried.

SB 145-DAY CARE ASSISTANCE & CHILD CARE GRANTS

[1:53:17 PM](#)

CHAIR STEDMAN announced the consideration of SB 145. He noted it is the first hearing on the bill and is sponsored by the Office of the Governor.

SEAN O'BRIEN, Director, Division of Public Assistance (DPA), Department of Health and Social Services (DHSS), presented information on SB 145. He related that the Child Care Program Office administers the federal Child Care Development Program, which provides child care funding for qualified low income individuals. It offers temporary assistance programs to support those individuals so they can return to work. He explained that SB 145 would allow for the collection of overpayments and the garnishment of PFDs when necessary. There is currently no garnish option, only voluntary repayment.

MR. O'BRIEN stated that the bill addresses four aspects: it supports the compliance with the Child Care Development Program to recover improper or fraudulent payments and addresses a gap in DPA's authority to refute those payments, it provides consistency of collection and practices within DPA programs streamlining the collection process and releasing an amount of staff time in collection attempts, it enables an alternative source of recruitment when the recipient does not voluntarily repay the overpayment, and it allows the division to leverage an estimated \$500,000 in the future to help cover the cost of this effort.

[1:56:28 PM](#)

MR. O'BRIEN reported that Section 1 of the bill contains the statutes that would allow the division to move forward. He said the bill provides for a long-needed change. He noted an attached zero fiscal note.

[1:57:00 PM](#)

SENATOR STOLTZE asked how far the reach back to recover funds goes.

MR. O'BRIEN said the effectual date of the bill is July 1, 2016.

SENATOR STOLTZE asked if the bill reaches back to FY 15.

MR. O'BRIEN deferred to Ms. Kraly to answer.

[1:58:45 PM](#)

STACIE KRALY, Assistant Attorney General, Human Services Section, Department of Law, answered questions related to SB 145. She said the effective date is July 1, 2016, which allows the Division to garnish the 2016 PFD and also collect past debts.

SENATOR STOLTZE asked if collected funds go back to the general fund.

MR. O'BRIEN explained that the monies collected would go back into the federal fund account.

[2:00:41 PM](#)

JANICE BRADEN, Program Manager; Child Care Program Office, Division of Public Assistance (DPA), Department of Health and Social Services (DHSS), answered questions related to SB 145. She agreed that all collected funds would be returned to the federal account.

SENATOR STOLTZE asked for the method of appropriation.

MS. BRADEN offered to get back to the committee on that.

[2:02:08 PM](#)

SENATOR GIESSEL referred to page 2, line 2, of the bill and inquired how far back the recovery process could go.

MR. O'BRIEN understood that the program would have a one-year look back period from July 1, 2016.

CHAIR STEDMAN requested more information about the amount of unpaid monies looking back.

SENATOR STOLTZE asked whether a federal audit initiated the bill.

[2:04:15 PM](#)

MS. BRADEN explained that the Child Care Assistance Program is funded through the Child Care and Development Fund and has a requirement to recoup improper or fraudulent payments. There are regulations in place that support that policy. Currently, there is no ability for anything but a voluntary repayment.

SENATOR STOLTZE asked what caused the overpayments.

CHAIR STEDMAN requested that the division provide that information at a later date.

[2:06:15 PM](#)

SENATOR ELLIS provided a brief history of the program under Governor Wally Hickel. He shared a story about Governor Hickel's plan to get rid of day care assistance and child care grants. The legislature informed Governor Hickel that the monies were primarily federal funded. Senator Ellis described a button he made that said "Day Care Prevents Welfare," which was noticed by Mrs. Hickel who then influenced the Governor's decision to continue to accept federal funding for day care assistance and child care.

[2:07:57 PM](#)

CHAIR STEDMAN opened public hearing, and seeing no testifiers, closed public hearing.

CHAIR STEDMAN held SB 145 in committee.

MR. O'BRIEN offered to provide the requested information to the committee at the next hearing.

SB 147-SENIOR BENEFITS PROG. ELIGIBILITY

[2:09:10 PM](#)

CHAIR STEDMAN announced that the final bill would be SB 147.

SEAN O'BRIEN, Director, Division of Public Assistance, Department of Health and Social Services (DHSS), presented information on SB 147. He said that the bill pertains to the Senior Benefits Program, which is a cash benefit program for Alaska seniors age 65 and older with low or moderate income. The monthly cash benefits range from \$125 to \$250 per month, depending on the level of income and are directly tied to Alaska Federal Poverty Guidelines.

He explained that the bill's intent has four areas; it adds an additional eligibility requirement that a recipient of the Senior Benefits program must be a citizen of the United States or a qualified alien, and it aligns with all other public assistance programs. It corrects the original intent of the program, which was to be in alignment with the Adult Public Assistance Program, and it is estimated to save approximately \$43,000 annually, based on current enrollment numbers for FY 15.

[2:11:44 PM](#)

SENATOR STOLTZE asked who would be excluded from the benefits with this change.

2:12:05 PM

MONICA MITCHELL, Chief, Policy and Program Development, Division of Public Assistance, answered questions related to SB 147. She said the division has identified 16 individuals who would be excluded, but there may be more.

SENATOR STOLTZE requested more information about the qualifications of a qualified aliens.

MS. MITCHELL explained that a qualified alien could be a refugee or other category.

SENATOR STOLTZE asked if the unqualified aliens are criminals.

MS. MITCHELL said she would have to look at individual cases and follow up with that information.

CHAIR STEDMAN requested more specific information about the 16 identified qualified aliens.

He opened public hearing and, seeing no testifiers, closed it again.

2:15:20 PM

CHAIR STEDMAN held SB 147 in committee.

2:16:16 PM

There being no further business to come before the committee, Chair Stedman adjourned the Senate Health and Social Services Standing Committee at 2:16 p.m.